



Appeal Decision

Site visit made on 20 August 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/Z5630/W/19/3229019

15 Egmont Avenue, Tolworth, Kingston Upon Thames, Surrey KT6 7AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs James Skidmore against the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00113/HOU, is dated 2 January 2019.
 - The development proposed is rear single storey kitchen extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear single storey kitchen extension at 15 Egmont Avenue, Tolworth, Kingston Upon Thames, Surrey KT6 7AU, in accordance with the terms of the application, Ref: 19/00113/HOU, dated 2 January 2019, subject to the conditions set out at the end of this decision.

Procedural Matters

2. The suite of plans submitted by the appellant for determination under this appeal vary slightly when compared to the suite of plans submitted to the Council for determination at planning application stage. These latest plans depict different rooflight arrangements, including the introduction of a low-level lantern rooflight, and rear-facing glazed doors of slightly revised design. The amendments that have been made are minor and do not, I consider, materially alter the scheme under consideration. I am thus content that no party with an interest in this appeal would be prejudiced by me determining this appeal based on the plans submitted at appeal stage.
3. I have identified the main issues in this appeal having reviewed the evidence before me and considered the likely effects of the scheme. This has included me considering the various requirements of Policy DM10 of the Core Strategy (April 2012) and of the National Planning Policy Framework (February 2019) (the Framework) and applying them to the proposal before me.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the appeal site and its surroundings; and
 - The effect upon the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The appeal site contains a 2-storey semi-detached dwelling that is served by a small single storey element to the rear and a long rear garden area. It is located within an immediate area typified by the presence of similarly designed and laid out residential properties.
6. The proposal involves a flat-roofed, single-storey extension that would incorporate and replace the existing single storey element to the rear. Whilst its flat roofed design would not be strictly reflective of the roof design of either the element it would replace or of other similar features set out to the rear of nearby properties, the extension would be discreetly scaled and sited so as not to be unduly prominent or domineering. It would read as a subordinate addition to the host property.
7. I note that the extension would jut out very slightly beyond the existing eastern side building line of the property. The extension would however be setback from the road frontage and the jutting out would be to such a limited extent that it would not have a noticeable visual effect from public vantage points situated to the site's frontage.
8. For the above reasons, the proposal would not cause harm to the character and appearance of the appeal site or its surroundings and would accord with Policy DM10 of the Core Strategy in so far as it requires that development will incorporate principles of good design.

Living conditions

9. The extension would have a close relationship with neighbouring residential properties to both the east and west of the site. It is however the case that, due to the proposal's position on the site, limited footprint coverage and single storey height, it would not have a harmful effect upon neighbouring living conditions. For example, no loss of privacy, overshadowing or loss of outlook would be anticipated.
10. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers and would accord with Policy DM10 of the Core Strategy in so far as it requires that development proposals should have regard to the amenities of the occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

Conditions

11. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to some of the Council's suggested conditions for consistency and clarity purposes.
12. In the interests of certainty, a condition specifying the approved plans is required. A condition is also required to ensure that the external surfaces of the rear extension hereby approved comply with the details given and match existing building materials so as to protect the character and appearance of the

main building and its surroundings. In the interests of protecting the living conditions of neighbouring residential occupiers, a condition is reasonable to ensure that the flat roofed area to be created is not used as an external amenity area without planning permission having specifically being sought.

13. As set out in the Framework, conditions restricting the future use of permitted development rights should only be used where there is clear justification to do so. I do not consider that the future placement of (a) side-facing window opening(s) to the eastern side elevation raises undue concerns with respect to the privacy of neighbouring occupiers situated to the east. This is because the proposal relates to single storey works at ground floor level and I note that there is already intervening boundary treatment in place to the eastern boundary of the appeal site. I do not consider that there is clear justification to withdraw the future use of permitted development rights in this respect.
14. However, to the western side elevation, due to the extension being proposed to abut the site's boundary, it would be reasonable and necessary to withdraw rights with respect to the future insertion of window openings. This would, notwithstanding the appellant's reference to a planning application having been submitted at No 16 Egmont Avenue for a similar extension, be in the interests of protecting the privacy of neighbouring occupiers.

Conclusion

15. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development shall conform in all material aspects with the following approved plans: Site Location Plan (scale 1:500); Existing Plans and Elevations 01; Proposed Floor Plans and Elevations 02; Existing and Proposed Side Elevations 07.
3. The development hereby permitted shall be carried out in accordance with the materials specified on the approved plans and on the application form unless otherwise agreed in writing by the Local Planning Authority.
4. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission by the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no windows shall at any time be placed in the western side elevation of the extension hereby permitted without the grant of a separate planning permission from the Local Planning Authority.